

Remarks

Claims 1-46 are pending and rejected.

Claims 1-8, 10-11, 13-15, 17, 19-42 and 44-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dougall et al. (Pub. No.: US 2003/0093485, hereinafter Dougall) in view of Libenzi (Pat. No.: US 6,745,192, hereinafter Libenzi).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dougall in view of Libenzi and further in view of Walker et al. (Patent No.: 5,612,956, hereinafter Walker).

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dougall in view of Libenzi and further in view of Keck et al. (Pub. No.: US 2004/0228414, hereinafter Keck).

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dougall in view of Libenzi and further in view of Choquette (Pat. No. 6,088,784, hereinafter Choquette).

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dougall in view of Libenzi and further in view of Yasuda et al. (Pub. No.: US 2004/0205152, hereinafter Yasuda).

Claims 16, 18 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dougall in view of Libenzi and further in view of Ungstad (Pub. No.: US 2005/0114751).

Any amendments to any claim for reasons other than as expressly recited herein as being for the purpose of distinguishing such claim from known prior art are not being made with an intent to change in any way the literal scope of such claims or the range of equivalents for such claims. They are being made simply to present language that is better in conformance with the form requirements of Title 35 of the United States Code or is simply clearer and easier to understand than the originally presented language. Any amendments to any claim expressly made in order to distinguish such claim from known prior art are being made only with an intent to change the literal scope of such claim in the most minimal way, i.e., to just avoid the prior art in a way that leaves the claim novel

and not obvious in view of the cited prior art, and no equivalent of any subject matter remaining in the claim is intended to be surrendered.

Also, since a dependent claim inherently includes the recitations of the claim or chain of claims from which it depends, it is submitted that the scope and content of any dependent claims that have been herein rewritten in independent form is exactly the same as the scope and content of those claims prior to having been rewritten in independent form. That is, although by convention such rewritten claims are labeled herein as having been "amended," it is submitted that only the format, and not the content, of these claims has been changed. This is true whether a dependent claim has been rewritten to expressly include the limitations of those claims on which it formerly depended or whether an independent claim has been rewritten to include the limitations of claims that previously depended from it. Thus, by such rewriting no equivalent of any subject matter of the original dependent claim is intended to be surrendered. If the Examiner is of a different view, he is respectfully requested to so indicate.

Rejection Under 35 U.S.C. 103

Claims 1-8, 10-11, 13-15, 17, 19-42 and 44-46

Claims 1-8, 10-11, 13-15, 17 19-42 and 44-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dougall in view of Libenzi. The rejection is traversed.

Claims 1-8, 10-11, 13-15, 17, 32-35, and 42

The Examiner bears the initial burden of establishing a prima facie case of obviousness. See MPEP § 2141. Establishing a prima facie case of obviousness begins with first resolving the factual inquiries of *Graham v. John Deere Co.* 383 U.S. 1 (1966). The factual inquiries are as follows:

- (A) determining the scope and content of the prior art;
- (B) ascertaining the differences between the claimed invention and the prior art;
- (C) resolving the level of ordinary skill in the art; and
- (D) considering any objective indicia of nonobviousness.

Once the Graham factual inquiries are resolved, the Examiner must determine whether the claimed invention would have been obvious to one of ordinary skill in the art. The key to supporting a rejection under 35 U.S.C. §103 is the clear articulation of the reasons why the claimed invention would have been obvious. The analysis supporting such a rejection must be explicit. "[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn*, 441 F. 3d 977, 988 (CA Fed. 2006), cited with approval in *KSR Int'l Co. v. Teleflex, Inc.*, 126 S. Ct. 2965 (2006); see also MPEP §2141.

Dougall and Libenzi, alone or in combination, fail to teach or suggest independent claims 1, 32, and 42, as a whole.

In general, Dougall discloses a system for scheduled streaming of best effort data or programs on channels from one of a plurality of controllers to one or more client nodes. As disclosed in Dougall, a program is a group of files and has program information indicating to a client node how to use the files of the program and a channel is a virtual path, and a client node can receive program files from different channels in a separable fashion. (Dougall, Abstract).

Dougall, however, fails to teach or suggest at least the limitation of “transforming respective filenames of said files into respective file identifiers, each of said file identifiers comprising a packet identifier (PID) associated with a communications channel selected to transport said file,” as claimed in Applicants’ claim 1.

Rather, Dougall merely discloses that digital audio-video signals are inputted as an MPEG-2 compliant transport stream (which is an interleaved sequence of transport packets), where each transport packet is a 188 byte packet with a four byte header and, further, that the header includes a thirteen bit long program identifier (PID). Dougall states that “[a] header of a first packet of a sequence of packets includes a program identifier field containing a program identifier which uniquely identifies the program of the sequence of packets.” (Dougall, Para. 0034, Lines 6-10, Emphasis added). Dougall, however, is devoid of any teaching or suggestion of transforming respective filenames of files into respective file identifiers where each of the file identifiers includes a packet

identifier (PID) associated with a communications channel selected to transport the file, as claimed in Applicants' claim 1.

Furthermore, Libenzi fails to bridge the substantial gap between Dougall and Applicants' invention of claim 1.

Libenzi discloses a system for staging transient message packets in an intermediate message store. As disclosed in Libenzi, the intermediate message store is a hierarchical message store that is logically structured with multiple storage nodes, such that the storage location of the message is specified by a combination of an index node identifier and a storage node identifier. As further disclosed in Libenzi, a unique filename is generated for each screened message, the index node and storage node identifiers for the message are calculated from the unique filename, and the message is stored in the hierarchical message store using index node and storage node identifiers. (Libenzi, Abstract).

Libenzi is devoid of any teaching or suggestion of transforming respective filenames of files into respective file identifiers where each of the file identifiers includes a packet identifier (PID) associated with a communications channel selected to transport the file. Rather, as disclosed in Libenzi, the identifiers generated from the filename of a message to be stored include an index node identifier and a storage node identifier which, together, identify a storage location of an intermediate node at which the message is staged. A file identifier identifying a storage location in a message store, as disclosed in Libenzi, is not a file identifier including a packet identifier (PID) associated with a communications channel selected to transport the file, as claimed in Applicants' claim 1. As such, Libenzi fails to teach or suggest "transforming respective filenames of said files into respective file identifiers, each of said file identifiers comprising a packet identifier (PID) associated with a communications channel selected to transport said file," as claimed in Applicants' claim 1.

Furthermore, Applicants note that the file identifiers of Dougall and Libenzi cannot be used together and, thus, that Dougall and Libenzi cannot be operably combined. The Dougall system is directed toward scheduled streaming of best effort data or programs on channels from one of a plurality of controllers to one or more client nodes. In the Dougall system, each transport packet includes a header that includes a thirteen bit

long program identifier (PID) so that client nodes may recover packets of a desired program. By contrast, the Libenzi system is directed toward staging of messages at an intermediate node within a network and, thus, requires a mechanism by which the staged messages may be stored. In the Libenzi system, a staged message is stored in a hierarchal message store using a combination of an index node identifier and a storage node identifier which, together, identify a storage location at which the message is staged at an intermediate node within a network. In other words, the file identifiers of Dougall and Libenzi must include different information which is used for different purposes and, thus, the file identifier generation teachings of Libenzi cannot be combined with the file identifier requirements of Dougall.

Moreover, Applicants respectfully note that since the file identifier requirements of Dougall and Libenzi are mutually exclusive, a system according to the combination of Dougall and Libenzi (assuming that such combination is even possible) fails to teach or suggest the limitation of “transforming respective filenames of said files into respective file identifiers, each of said file identifiers comprising a packet identifier (PID) associated with a communications channel selected to transport said file,” as claimed in Applicants’ claim 1.

As such, the combination of Dougall and Libenzi, alone or in combination, fails to teach or suggest Applicants’ claim 1, as a whole.

Therefore, Applicants respectfully submit that claim 1 is allowable over Dougall in view of Libenzi under 35 U.S.C. 103. Similarly, independent claims 32 and 42 include limitations similar to the limitations of independent claim 1. Thus, for at least the reasons described hereinabove with respect to independent claim 1, Applicants respectfully submit that independent claims 32 and 42 also are allowable over Dougall in view of Libenzi under 35 U.S.C. 103. Furthermore, since all of the dependent claims that depend from the independent claims include all the limitations of the respective independent claim from which they ultimately depend, each such dependent claim is also allowable over Dougall in view of Libenzi under 35 U.S.C. 103.

As such, Applicants respectfully submit that claims 1-8, 10-11, 13-15, 17, 32-35, and 42 are allowable over Dougall in view of Libenzi under 35 U.S.C. 103. Therefore, the rejection should be withdrawn.

Claims 19-24

As described hereinabove, Dougall discloses that digital audio-video signals are inputted as an MPEG-2 compliant transport stream (which is an interleaved sequence of transport packets), where each transport packet is a 188 byte packet with a four byte header and, further, that the header includes a thirteen bit long packet identifier, where each PID is uniquely assigned to one specific stream, and a transport packet with a given PID only contains the data of that specific stream. (Dougall, Para. 0070).

Dougall, however, fails to teach or suggest at least the limitation of “calculating, at a client, a data identifier from the bit sequence associated with the desired packet,” as claimed in Applicants’ claim 19.

Rather, as described hereinabove with respect to claim 1, Dougall merely states that a packet includes a program identifier field that uniquely identifies the program of the sequence of packets. Dougall is devoid of any teaching or suggestion of how the program identifier is determined. Thus, Dougall fails to teach or suggest calculating any data identifier, much less “calculating, at a client, a data identifier from the bit sequence associated with the desired packet,” as claimed in Applicants’ claim 19.

Furthermore, in the Office Action, the Examiner asserts that Dougall discloses “assigning a data identifier from the bit sequence associated with the desired packet.” (Office Action, Pg. 5). Applicants respectfully note that, even assuming arguendo that Dougall discloses assigning a data identifier from the bit sequence associated with the desired packet, Dougall would still fail to teach or suggest that such an assignment is performed at a client. Rather, Dougall discloses that a PID is uniquely assigned to one specific stream at a transmitter.

Thus, Dougall fails to teach or suggest the limitation of “calculating, at a receiver, a data identifier from the bit sequence associated with the desired packet,” as claimed in Applicants’ claim 19.

Furthermore, Libenzi fails to bridge the substantial gap between Dougall and Applicants’ claim 19.

Libenzi is devoid of any teaching or suggestion of “calculating, at a client, a data identifier from the bit sequence associated with the desired packet,” as claimed in Applicants’ claim 19.

Rather, Libenzi merely discloses a system for staging transient message packets in an intermediate message store. The intermediate message store is a hierarchical message store that is logically structured with multiple storage nodes. As disclosed in Libenzi, a unique filename is generated for each screened message, a pair of index node and storage node identifiers are calculated from the unique filename, and the message is stored in the hierarchical message store using index node and storage node identifiers. Libenzi is devoid of any teaching or suggestion of performing any such processing at a client. Rather, Libenzi is directed toward staging of transient message packets in intermediate nodes. Thus, Libenzi fails to teach or suggest “calculating, at a client, a data identifier from the bit sequence associated with the desired packet,” as claimed in Applicants’ claim 19.

As such, the combination of Dougall and Libenzi fails to teach or suggest Applicants’ claim 19, as a whole.

Therefore, Applicants respectfully submit that claim 19 is allowable over Dougall in view of Libenzi under 35 U.S.C. 103. Furthermore, since all of the dependent claims that depend from the independent claims include all the limitations of the respective independent claim from which they ultimately depend, each such dependent claim is also allowable over Dougall in view of Libenzi under 35 U.S.C. 103.

As such, Applicants respectfully submit that claims 19-24 are allowable over Dougall in view of Libenzi under 35 U.S.C. 103. Therefore, the rejection should be withdrawn.

Claims 25-31

As described hereinabove, Dougall discloses that digital audio-video signals are inputted as an MPEG-2 compliant transport stream (which is an interleaved sequence of transport packets), where each transport packet is a 188 byte packet with a four byte header and, further, that the header includes a thirteen bit long packet identifier, where

each PID is uniquely assigned to one specific stream, and a transport packet with a given PID only contains the data of that specific stream. (Dougall, Para. 0070).

Dougall, however, fails to teach or suggest at least the limitation of “(c) transmitting to a receiver associated with one of the plurality of packet identifiers a list including a respective data identifier for each set of at least one packet associated with the same packet identifier as the receiver,” as claimed in Applicants’ claim 25.

In the Office Action, the Examiner cites a specific portion of Dougall (namely, Para. 0036, Lines 1-6), asserting that the cited portion of Dougall discloses Applicants’ limitation of “transmitting to a receiver associated with one of the plurality of packet identifiers a list including a respective data identifier for each set of at least one packet associated with the same packet identifier as the receiver.” Applicants respectfully disagree. Applicants note that the cited portion of Dougall merely states that “[n]etwork elements may also be provided on a return path between the control nodes and the recipient client nodes for assisting in reliable packet communications. According to an embodiment, a client node prepares to receive data of one or more files of a program from a particular channel.” (Dougall, Para. 0036, Lines 1-6). In other words, the cited portion of Dougall merely states that a client node prepares to receive data of one or more files of a program from a particular channel. This general statement in Dougall does not teach or suggest transmitting to a receiver associated with one of the plurality of packet identifiers a list including a respective data identifier for each set of at least one packet associated with the same packet identifier as the receiver, as claimed in Applicants’ claim 25. The cited portion of Dougall is devoid of any teaching or suggestion of any list, much less transmission of a list, or a list as claimed in Applicants’ claim 25.

Thus, Dougall fails to teach or suggest at least the limitation of “transmitting to a receiver associated with one of the plurality of packet identifiers a list including a respective data identifier for each set of at least one packet associated with the same packet identifier as the receiver,” as claimed in Applicants’ claim 25.

Furthermore, Libenzi fails to bridge the substantial gap between Dougall and Applicants’ claim 25.

Libenzi is devoid of any teaching or suggestion of “transmitting to a receiver associated with one of the plurality of packet identifiers a list including a respective data

identifier for each set of at least one packet associated with the same packet identifier as the receiver,” as claimed in Applicants’ claim 25.

Rather, Libenzi merely discloses a system for staging transient message packets in an intermediate message store, where the intermediate message store is a hierarchical message store that is logically structured with multiple storage nodes. As disclosed in Libenzi, a unique filename is generated for each screened message, a pair of index node and storage node identifiers are calculated from the unique filename, and the message is stored in the hierarchical message store using index node and storage node identifiers. Libenzi is devoid of any teaching or suggestion of transmitting any list, much less transmitting to a receiver associated with one of the plurality of packet identifiers a list including a respective data identifier for each set of at least one packet associated with the same packet identifier as the receiver, as claimed in Applicants’ claim 25.

As such, the combination of Dougall and Libenzi fails to teach or suggest Applicants’ claim 25, as a whole.

Therefore, Applicants respectfully submit that claim 25 is allowable over Dougall in view of Libenzi under 35 U.S.C. 103.

Similarly, independent claim 28 includes limitations similar to the limitations of independent claim 25. Specifically, claim 28 includes the limitation of “receiving a list associated with the packet identifier, the list containing a plurality of data identifiers, each data identifier in the list corresponding to a respective set of at least one packet that is to be received using that packet identifier.” Thus, for at least the reasons described hereinabove with respect to independent claim 25, Applicants respectfully submit that independent claim 28 also is allowable over Dougall in view of Libenzi under 35 U.S.C. 103.

Furthermore, since all of the dependent claims that depend from the independent claims include all the limitations of the respective independent claim from which they ultimately depend, each such dependent claim is also allowable over Dougall in view of Libenzi under 35 U.S.C. 103.

As such, Applicants respectfully submit that claims 25-31 are allowable over Dougall in view of Libenzi under 35 U.S.C. 103. Therefore, the rejection should be withdrawn.

Claims 36-41

As described hereinabove, Dougall discloses that digital audio-video signals are inputted as an MPEG-2 compliant transport stream (which is an interleaved sequence of transport packets), where each transport packet is a 188 byte packet with a four byte header and, further, that the header includes a thirteen bit long packet identifier, where each PID is uniquely assigned to one specific stream, and a transport packet with a given PID only contains the data of that specific stream. (Dougall, Para. 0070).

Dougall, however, fails to teach or suggest at least the limitation of “a client processor that calculates a payload identifier based on a bit sequence associated with a given set of at least one packet,” as claimed in Applicants’ claim 36.

Rather, as described hereinabove with respect to claim 1, Dougall merely states that a packet includes a program identifier field that uniquely identifies the program of the sequence of packets. Dougall is devoid of any teaching or suggestion of how the program identifier is determined. Dougall fails to teach or suggest calculating a payload identifier based on a bit sequence associated with a given set of at least one packet. Thus, Dougall fails to teach or suggest a client processor that calculates a payload identifier based on a bit sequence associated with a given set of at least one packet, as claimed in Applicants’ claim 36.

Furthermore, in the Office Action, the Examiner asserts that Dougall discloses “...a client processor that assigns a payload identifier based on a bit sequence associated with a given set of at least one packet....” (Office Action, Pg. 11). Applicants respectfully note that, even assuming arguendo that Dougall discloses assigning a data identifier from the bit sequence associated with the desired packet, Dougall would still fail to teach or suggest that such an assignment is performed by a client processor. Rather, Dougall discloses that a PID is uniquely assigned to one specific stream at a transmitter.

In the Office Action, the Examiner cites a specific portion of Dougall (namely, Para. 0034, Lines 10-19), asserting that the cited portion of Dougall discloses Applicants’ limitation of “a client processor that calculates a payload identifier based on a bit sequence associated with a given set of at least one packet.” Applicants respectfully

disagree. Applicants note that the cited portion of Dougall merely states that “[t]he sequence of packets includes a payload containing one or more data triplets, each data triplet including a tag, a length and a value field. The tag in the tag field uniquely identifies the value in the value field and the length in the length field indicates the offset in data words to an immediately following data triplet. A length of zero indicates that no data triplet follows this data triplet. The value fields of the sequence of data triplets contain information for uniquely correlating file data in each packet of the sequence to a respective file of one of the best-effort programs.” (Dougall, Para. 0034, Lines 10-19). In other words, the cited portion of Dougall merely describes the organization of data in a packet payload. The cited portion of Dougall is devoid of any description of any client processor or any calculation performed by a client processor.

Thus, the cited portion of Dougall fails to teach or suggest “a client processor that calculates a payload identifier based on a bit sequence associated with a given set of at least one packet,” as claimed in Applicants’ claim 36.

Furthermore, Libenzi fails to bridge the substantial gap between Dougall and Applicants’ claim 36.

Libenzi is devoid of any teaching or suggestion of “a client processor that calculates a payload identifier based on a bit sequence associated with a given set of at least one packet,” as claimed in Applicants’ claim 36.

Rather, Libenzi merely discloses a system for staging transient message packets in an intermediate message store. The intermediate message store is a hierarchical message store that is logically structured with multiple storage nodes. As disclosed in Libenzi, a unique filename is generated for each screened message, a pair of index node and storage node identifiers are calculated from the unique filename, and the message is stored in the hierarchical message store using index node and storage node identifiers. Libenzi is devoid of any teaching or suggestion of a client processor performing any such processing. Rather, Libenzi is directed toward staging of transient message packets in intermediate nodes. Thus, Libenzi fails to teach or suggest “a client processor that calculates a payload identifier based on a bit sequence associated with a given set of at least one packet,” as claimed in Applicants’ claim 36.

As such, the combination of Dougall and Libenzi fails to teach or suggest Applicants' claim 36, as a whole.

Therefore, Applicants respectfully submit that claim 36 is allowable over Dougall in view of Libenzi under 35 U.S.C. 103. Furthermore, since all of the dependent claims that depend from the independent claims include all the limitations of the respective independent claim from which they ultimately depend, each such dependent claim is also allowable over Dougall in view of Libenzi under 35 U.S.C. 103.

As such, Applicants respectfully submit that claims 36-41 are allowable over Dougall in view of Libenzi under 35 U.S.C. 103. Therefore, the rejection should be withdrawn.

Claims 44-45

As described hereinabove, Dougall discloses that digital audio-video signals are inputted as an MPEG-2 compliant transport stream (which is an interleaved sequence of transport packets), where each transport packet is a 188 byte packet with a four byte header and, further, that the header includes a thirteen bit long packet identifier, where each PID is uniquely assigned to one specific stream, and a transport packet with a given PID only contains the data of that specific stream. (Dougall, Para. 0070).

Dougall, however, fails to teach or suggest the sender of Applicants' claim 44.

Rather, as described hereinabove with respect to claim 1, Dougall merely states that a packet includes a program identifier field that uniquely identifies the program of the sequence of packets. Dougall is devoid of any teaching or suggestion of a sender as claimed in Applicants' claim 44. Namely, Dougall fails to teach or suggest a sender having at least one file storage medium, a packetizer, a transform, a multiplexer, and at least one file manager. Dougall fails to teach or suggest at least one file manager communicating with a file storage medium, packetizer, and transform such that files stored on the file storage medium are provided to the packetizer and corresponding file names are provided to the transform. Dougall fails to teach or suggest a packetizer providing at least one corresponding data packet comprising a file to a multiplexer, or a transform providing a packet identifier based upon a corresponding filename to a multiplexer. Dougall fails to teach or suggest that, for each file to be transported, a

multiplexer provides a packetized bitstream including the at least one file to be transported, where each packet of the bitstream includes the file identifier and at least a portion of the file.

In the Office Action, the Examiner cites a specific portion of Dougall (namely, Para. 0034, Lines 1-19), asserting that the cited portion of Dougall discloses the sender of Applicants' claim 44. Applicants respectfully disagree. Applicants note that the cited portion of Dougall merely states that "[p]rogram file data may be carried in packets of a certain format. According to one embodiment, the program file data is carried sequence of one or more packets where each packet of the sequence is transferred in a signal from a source node (such as a controller node) to recipient node (such as a client node) in whole or as plural segments. A header of a first packet of the sequence of packets includes a program identifier field containing a program identifier which uniquely identifies the program of the sequence of packets. The sequence of packets includes a payload containing one or more data triplets, each data triplet including a tag, a length and a value field. The tag in the tag field uniquely identifies the value in the value field and the length in the length field indicates the offset in data words to an immediately following data triplet. A length of zero indicates that no data triplet follows this data triplet. The value fields of the sequence of data triplets contain information for uniquely correlating file data in each packet of the sequence to a respective file of one of the best-effort programs." (Dougall, Para. 0034, Lines 1-19). In other words, the cited portion of Dougall merely describes a process by which a program data file may be carried in packets. The cited portion of Dougall is devoid of any description of a sender having components providing the associated functions as claimed in Applicants' claim 44. Applicants respectfully request that the Examiner point out exactly where in the cited portion of Dougall there is any teaching of a file storage medium, a packetizer, a transform, a multiplexer, or a file manager. The cited portion of Dougall fails to teach or suggest any such elements. Furthermore, the cited portion of Dougall fails to teach or suggest the other limitations of Applicants' claim 44.

Thus, Dougall fails to teach or suggest Applicants' claim 44, as a whole.

Furthermore, Libenzi fails to bridge the substantial gap between Dougall and Applicants' claim 44.

Libenzi is devoid of any teaching or suggestion of a sender as claimed in Applicants' claim 44. Rather, Libenzi merely discloses a system for staging transient message packets in an intermediate message store. The intermediate message store is a hierarchical message store that is logically structured with multiple storage nodes. As disclosed in Libenzi, a unique filename is generated for each screened message, a pair of index node and storage node identifiers are calculated from the unique filename, and the message is stored in the hierarchical message store using index node and storage node identifiers.

Libenzi is devoid of any teaching or suggestion of a sender as claimed in Applicants' claim 44.

As such, the combination of Dougall and Libenzi fails to teach or suggest Applicants' claim 44, as a whole.

Therefore, Applicants respectfully submit that claim 44 is allowable over Dougall in view of Libenzi under 35 U.S.C. 103. Furthermore, since the dependent claim that depends from the independent claim includes all the limitations of the independent claim, the dependent claim also is allowable over Dougall in view of Libenzi under 35 U.S.C. 103.

As such, Applicants respectfully submit that claims 44 – 45 are allowable over Dougall in view of Libenzi under 35 U.S.C. 103. Therefore, the rejection should be withdrawn.

Claim 46

As described hereinabove, Dougall discloses that digital audio-video signals are inputted as an MPEG-2 compliant transport stream (which is an interleaved sequence of transport packets), where each transport packet is a 188 byte packet with a four byte header and, further, that the header includes a thirteen bit long packet identifier, where each PID is uniquely assigned to one specific stream, and a transport packet with a given PID only contains the data of that specific stream. (Dougall, Para. 0070).

Dougall, however, fails to teach or suggest at least the limitations of "said processor providing said filename of said at least one file to be utilized to said transform; said transform providing a packet identifier corresponding to said at least one filename to

a tunable filter such that said tunable filter selects packets comprising said file and provides said selected packets to a packet processor,” as claimed in Applicants’ claim 46.

Rather, as described hereinabove with respect to claim 1, Dougall merely states that a packet includes a program identifier field that uniquely identifies the program of the sequence of packets. Dougall is devoid of any teaching or suggestion of how the program identifier is determined. Thus, Dougall fails to teach or suggest calculating any packet identifier, much less calculation of a packet identifier by a transform at a receiver, as claimed in Applicants’ claim 46.

Thus, Dougall fails to teach or suggest at least the limitations of “said processor providing said filename of said at least one file to be utilized to said transform; said transform providing a packet identifier corresponding to said at least one filename to a tunable filter such that said tunable filter selects packets comprising said file and provides said selected packets to a packet processor,” as claimed in Applicants’ claim 46.

Furthermore, Libenzi fails to bridge the substantial gap between Dougall and Applicants’ claim 46.

Libenzi is devoid of any teaching or suggestion of a receiver comprising a transform and a processor where the processor provides the filename of at least one file to be utilized to the transform and the transform provides a packet identifier corresponding to the at least one filename to a tunable filter such that the tunable filter selects packets comprising the file and provides the selected packets to a packet processor, as claimed in Applicants’ claim 46.

Rather, Libenzi merely discloses a system for staging transient message packets in an intermediate message store. The intermediate message store is a hierarchical message store that is logically structured with multiple storage nodes. As disclosed in Libenzi, a unique filename is generated for each screened message, a pair of index node and storage node identifiers are calculated from the unique filename, and the message is stored in the hierarchical message store using index node and storage node identifiers. Libenzi is devoid of any teaching or suggestion of performing any such processing at a receiver. Rather, Libenzi is directed toward staging of transient message packets in intermediate nodes. Thus, Libenzi fails to teach or suggest at least the limitations of “said processor providing said filename of said at least one file to be utilized to said transform; said

transform providing a packet identifier corresponding to said at least one filename to a tunable filter such that said tunable filter selects packets comprising said file and provides said selected packets to a packet processor,” as claimed in Applicants’ claim 46.

As such, the combination of Dougall and Libenzi fails to teach or suggest Applicants’ claim 46, as a whole.

As such, Applicants respectfully submit that claim 46 is allowable over Dougall in view of Libenzi under 35 U.S.C. 103. Therefore, the rejection should be withdrawn.

Claims 16, 18 and 43

Claims 16, 18 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dougall in view of Libenzi and further in view of Ungstad (Pub. No.: US 2005/0114751). The rejection is respectfully traversed.

Claims 16 and 18

Each of these grounds of rejection applies only to dependent claims, and each is predicated on the validity of the rejection of independent claim 1 under 35 U.S.C. 103 over Dougall in view of Libenzi. Because the rejection of independent claim 1 under 35 U.S.C. 103 over Dougall in view of Libenzi has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that Ungstad supplies that which is missing from Dougall and Libenzi to render independent claim 1 obvious, these grounds of rejection cannot be maintained.

As such, Applicants respectfully submit that claims 16 and 18 are allowable over Dougall in view of Libenzi and further in view of Ungstad under 35 U.S.C. 103. Therefore, the rejections should be withdrawn.

Claim 43

As described hereinabove, Dougall discloses that digital audio-video signals are inputted as an MPEG-2 compliant transport stream (which is an interleaved sequence of transport packets), where each transport packet is a 188 byte packet with a four byte header and, further, that the header includes a thirteen bit long packet identifier, where

each PID is uniquely assigned to one specific stream, and a transport packet with a given PID only contains the data of that specific stream. (Dougall, Para. 0070).

Dougall, however, fails to teach or suggest Applicants' claim 43, as a whole. Namely, Dougall fails to teach or suggest the limitations of "spinning a plurality of data units from the group consisting of packets and files without transmitting a directory of all of the data units being spun" and "calculating information used to spin the units of data by a common calculation that is used by the television converter to receive the units of data without a directory of all of the data units being spun," as claimed in Applicants' claim 43.

Rather, Dougall merely discloses transmission of best effort data that is formatted into transport packets. Dougall is devoid of any teaching or suggestion of spinning a plurality of data units from the group consisting of packets and files. Dougall is devoid of any teaching or suggestion of calculating information used to spin units of data, much less calculating information used to spin units of data using a calculation that is common to a headend and a television converter such that a directory of data units being spun does not need to be transmitted to from the headend to the television converter.

Furthermore, Libenzi and Ungstad, alone or in combination, fail to bridge the substantial gap between Dougall and Applicants' claim 43.

Libenzi is devoid of any teaching or suggestion of "spinning a plurality of data units from the group consisting of packets and files without transmitting a directory of all of the data units being spun" and "calculating information used to spin the units of data by a common calculation that is used by the television converter to receive the units of data without a directory of all of the data units being spun," as claimed in Applicants' claim 43.

Furthermore, Ungstad, fails to bridge the substantial gap between Dougall and Libenzi and Applicants' claim 43.

Ungstad discloses a method for updating a cyclic redundancy check (CRC) sum calculated from a data stream of CRC protected packets by adding new data while subtracting an effect of old data, and checking the updated CRC sum for a predetermined result. (Ungstad, Para. 0012).

Ungstad, however, fails to teach or suggest the limitations of “spinning a plurality of data units from the group consisting of packets and files without transmitting a directory of all of the data units being spun” and “calculating information used to spin the units of data by a common calculation that is used by the television converter to receive the units of data without a directory of all of the data units being spun,” as claimed in Applicants’ claim 43.

In the Office Action, the Examiner cites a specific portion of Ungstad (namely, Para. 0012), asserting that the cited portion of Ungstad discloses the limitations of Applicants’ claim 43. Applicants respectfully disagree. Applicants note that the cited portion of Ungstad merely describes a method in which a CRC sum is updated and the updated CRC sum is checked for a predetermined result. The cited portion of Ungstad is devoid of any teaching or suggestion of any directory of data units being spun. The cited portion of Ungstad is devoid of any teaching or suggestion of any calculation of information used to spin units of data. Rather, Ungstad merely states that a CRC sum is updated.

As such, the combination of Dougall, Libenzi, and Ungstad fails to teach or suggest Applicants’ claim 43, as a whole.

Accordingly, Applicants respectfully submit that claim 43 is allowable over Dougall in view of Libenzi and further in view of Ungstad under 35 U.S.C. 103. Therefore, the rejection should be withdrawn.

Claims 3, 4, 9 and 12

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dougall in view of Walker. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dougall in view of Keck. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dougall in view of Choquette. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dougall in view of Yasuda. The rejections are traversed.

Each of these grounds of rejection applies only to dependent claims, and each is predicated on the validity of the rejection under 35 U.S.C. 103 given Dougall in view of Libenzi. Because the rejection under 35 U.S.C. 103 given Dougall in view of Libenzi has

been overcome, as described hereinabove, and there is no argument put forth by the Office Action that the additional references supply that which is missing from Dougall to render the independent claims obvious, these grounds of rejection cannot be maintained.

As such, Applicants respectfully submit that claims 3, 4, 9 and 12 are allowable over Dougall in view of Libenzi and further in view of, respectively, Walker, Keck and Choquette, under 35 U.S.C. 103(a). Therefore, the rejections should be withdrawn.

Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, the Examiner is invited to call Eamon Wall at (732) 530-9404 so that arrangements may be made to discuss and resolve any such issues.

Respectfully submitted,

Dated: _____

10/9/08



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